

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 740

Introduced by Senator McGuire

February 27, 2015

~~An act to amend Section 59111 of the Food and Agricultural Code, relating to agriculture. An act to add and repeal Section 26840.13 of the Government Code, to add and repeal Section 103628.2 of the Health and Safety Code, and to add and repeal Section 18309.6 of the Welfare and Institutions Code, relating to domestic violence.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 740, as amended, McGuire. ~~California Marketing Act of 1937: marketing orders: notice. Vital records: fees: domestic violence.~~

Existing law requires the collection of fees for issuing marriage licenses and for providing certified copies of vital records, including marriage certificates, birth certificates, fetal death records, and death records. Existing law provides for the establishment of county domestic violence program special funds for the purpose of funding local domestic violence programs. Certain fees payable at the time a marriage license is issued may be collected by the county clerks for deposit into these funds.

Existing law authorizes the Alameda County Board of Supervisors and the Solano County Board of Supervisors, upon making certain findings and declarations, to authorize an increase in the fees for marriage licenses and confidential marriage licenses, up to a maximum increase of \$2. Existing law authorizes those boards of supervisors, upon making certain findings and declarations, to authorize an increase in the fees for certified copies of certain vital records, up to a maximum increase of \$2. Existing law authorizes those boards of supervisors to

make further increases in those fees each year, as specified. Existing law requires these fees to be allocated for purposes relating to domestic violence prevention, intervention, and prosecution.

This bill would, until January 1, 2021, provide the same authorization to increase fees for marriage licenses and certain vital records to the Sonoma County Board of Supervisors, and would require those fees to be allocated for purposes relating to domestic violence prevention, intervention, and prosecution. The bill would require the Sonoma County Board of Supervisors to submit to the Assembly and Senate Committees on Judiciary preliminary reports by July 1, 2019, and final reports by July 1, 2020, regarding the fee increase for marriage licenses, as specified.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Sonoma.

~~Existing law provides for the California Marketing Act of 1937 governing the marketing of commodities in this state. Under the act, the Secretary of Food and Agriculture is authorized to issue marketing orders and enter into marketing agreements, as specified. Existing law requires, upon the issuance of any order that makes effective a marketing order or marketing agreement, or any suspension, amendment, or termination of a marketing order or marketing agreement, a notice of the issuance to be posted on a public bulletin board maintained by the secretary in his or her office. Existing law also requires the secretary to mail a copy of the notice to specified persons, including a person that files a written request for the notice, as specified.~~

~~This bill would require the secretary to also post the notice on the Department of Food and Agriculture's Internet Web site and would additionally require the secretary to mail a copy of the notice to a person that files an electronic request for the notice. The bill would make various nonsubstantive changes.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 26840.13 is added to the Government
- 2 Code, to read:
- 3 26840.13. (a) The Sonoma County Board of Supervisors, upon
- 4 making findings and declarations on the need for governmental
- 5 oversight and coordination of the multiple agencies dealing with

1 *domestic violence, may authorize an increase in the fees for*
2 *marriage licenses and confidential marriage licenses, up to a*
3 *maximum increase of two dollars (\$2).*

4 *(b) Effective July 1 of each year, the Sonoma County Board of*
5 *Supervisors may authorize an increase in these fees by an amount*
6 *equal to the increase in the Consumer Price Index for the San*
7 *Francisco metropolitan area for the preceding calendar year,*
8 *rounded to the nearest one-half dollar (\$0.50). The fees shall be*
9 *allocated pursuant to Section 18309.6 of the Welfare and*
10 *Institutions Code.*

11 *(c) In addition to the fee prescribed by Section 26840.1, in*
12 *Sonoma County, the person issuing authorization for the*
13 *performance of a marriage or confidential marriage, or the county*
14 *clerk upon providing a blank authorization form pursuant to Part*
15 *4 (commencing with Section 500) of Division 3 of the Family Code,*
16 *shall collect the fees specified in subdivisions (a) and (b), at the*
17 *time of providing the authorization.*

18 *(d) The Sonoma County Board of Supervisors shall submit to*
19 *the Assembly and Senate Committees on Judiciary a preliminary*
20 *report no later than July 1, 2019, and a final report no later than*
21 *July 1, 2020. Both reports shall contain the following information:*

22 *(1) The annual amounts of funds received and expended from*
23 *fee increases for the purpose of governmental oversight and*
24 *coordination of domestic violence prevention, intervention, and*
25 *prosecution efforts in the county.*

26 *(2) Outcomes achieved as a result of the activities associated*
27 *with the implementation of this section.*

28 *(e) This section shall remain in effect only until January 1, 2021,*
29 *and as of that date is repealed, unless a later enacted statute, that*
30 *is enacted before January 1, 2021, deletes or extends that date.*

31 *SEC. 2. Section 103628.2 is added to the Health and Safety*
32 *Code, to read:*

33 *103628.2. (a) The Sonoma County Board of Supervisors, upon*
34 *making findings and declarations on the need for governmental*
35 *oversight and coordination of the multiple agencies dealing with*
36 *domestic violence, may authorize an increase in the fees for*
37 *certified copies of marriage certificates, fetal death records, and*
38 *death records, up to a maximum increase of two dollars (\$2).*

39 *(b) Effective July 1 of each year, the Sonoma County Board of*
40 *Supervisors may authorize an increase in these fees by an amount*

1 *equal to the increase in the Consumer Price Index for the San*
2 *Francisco metropolitan area for the preceding calendar year,*
3 *rounded to the nearest one-half dollar (\$0.50). The fees shall be*
4 *allocated pursuant to Section 18309.6 of the Welfare and*
5 *Institutions Code.*

6 *(c) In addition to the fees prescribed by statute, any applicant*
7 *for a certified copy of a marriage certificate, fetal death record,*
8 *or death record in Sonoma County shall pay an additional fee to*
9 *the local registrar, county recorder, or county clerk as established*
10 *by the Sonoma County Board of Supervisors pursuant to*
11 *subdivisions (a) and (b).*

12 *(d) This section shall remain in effect only until January 1, 2021,*
13 *and as of that date is repealed, unless a later enacted statute, that*
14 *is enacted before January 1, 2021, deletes or extends that date.*

15 *SEC. 3. Section 18309.6 is added to the Welfare and Institutions*
16 *Code, to read:*

17 *18309.6. (a) (1) The Sonoma County Board of Supervisors*
18 *shall direct the local registrar, county recorder, and county clerk*
19 *to deposit fees collected pursuant to Section 26840.13 of the*
20 *Government Code and Section 103628.2 of the Health and Safety*
21 *Code into a special fund.*

22 *(2) The county may retain up to 4 percent of the fund for*
23 *administrative costs associated with the collection and segregation*
24 *of the additional fees and the deposit of these fees into the special*
25 *fund. Proceeds from the fund shall be used for governmental*
26 *oversight and coordination of domestic violence and family*
27 *violence prevention, intervention, and prosecution efforts among*
28 *the court system, the district attorney's office, the public defender's*
29 *office, law enforcement, the probation department, mental health*
30 *services, substance abuse services, child welfare services, adult*
31 *protective services, and community-based organizations and other*
32 *agencies working in Sonoma County in order to increase the*
33 *effectiveness of prevention, early intervention, and prosecution of*
34 *domestic and family violence.*

35 *(b) This section shall remain in effect only until January 1, 2021,*
36 *and as of that date is repealed, unless a later enacted statute, that*
37 *is enacted before January 1, 2021, deletes or extends that date.*

38 *SEC. 4. The Legislature finds and declares that a special law*
39 *is necessary and that a general law cannot be made applicable*
40 *within the meaning of Section 16 of Article IV of the California*

1 *Constitution because of the unique circumstances in the County*
2 *of Sonoma with respect to domestic violence.*

3 **SECTION 1.** ~~Section 59111 of the Food and Agricultural Code~~
4 ~~is amended to read:~~

5 59111. (a) ~~Upon the issuance of any order that makes effective~~
6 ~~a marketing order or marketing agreement, or any suspension,~~
7 ~~amendment, or termination of a marketing order or marketing~~
8 ~~agreement, a notice of the issuance shall be posted on a public~~
9 ~~bulletin board maintained by the secretary in his or her office. The~~
10 ~~secretary shall also post the same notice of issuance on the~~
11 ~~department's Internet Web site. A marketing order or marketing~~
12 ~~agreement, or any suspension, amendment, or termination of it,~~
13 ~~shall not become effective until five days after the date of the~~
14 ~~posting in the secretary's office or on the department's Internet~~
15 ~~Web site, whichever occurs first. The secretary shall also mail a~~
16 ~~copy of the notice to every person that is directly affected by the~~
17 ~~terms of the marketing order or marketing agreement, suspension,~~
18 ~~amendment, or termination, whose name and address is on file in~~
19 ~~the office of the secretary, and to every person that files in the~~
20 ~~office of the secretary a written or electronic request for the notice.~~

21 (b) ~~This section shall not apply to the termination of any~~
22 ~~marketing order or marketing agreement under Section 59087.~~